

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY THIRD DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 9390 of 2004

Between:

J. Vivekanand S/o J. China Venkateswara Rao
Sri Ramabhadra Automobile Works, D.No.27-23-91, Opp: Ashoka Hotel,
Gopala Reddy Road, Governorpet, Vijayawada-2

..... PETITIONER

AND

- 1 The Commissioner of Endowments Tilak Road, Hyderabad
- 2 The Dy. Commissioner of Endowments Kakinada, East Godavari dist.
- 3 The Asst. Commissioner of Endowments Opp: Old Bus Stand, Vijayawada-2,
Krishna Dist.
- 4 The Executive Officer Sri Venkata Janakirama Choultry
Dept. of Endowments, Gopala Reddy Road,
Governorpet, Vijayawada-2, Krishna Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 4th respondent herein in trying to demolish the shop bearing D.No.21-23-91 situated at Governorpet, Gopala Reddy Road, Vijayawada-2 without issuing any notice without following the procedure prescribed by law and without following the due process of law, as illegal, improper, unjust and contrary to law and consequently direct the 4th respondent herein to follow the procedure by law and to follow the due process of law before demolishing the shop bearing D.No.21-23-91 situated at Governorpet, Gopala Reddy Road, Vijayawada-2 of the petitioner herein.

Counsel for the Petitioner:MR.P.VINAYAKA SWAMY

Counsel for the Respondents:GP FOR ENDOWMENTS

The Court made the following :

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ORDER:

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It is submitted by the learned Counsel on either side that the question involved in this Writ Petition is squarely covered by the decision of this Court in W.P.No.9257 of 2004 dated 25-06-2004.

Following the said decision of this Court, the Writ Petition is disposed of with the following directions to the effect that it is open for the respondents to obtain consent of the petitioner for facilitating demolition and construction of shops as agreed by the tenants for leasing the shops after reconstruction. It is open for the 4th respondent to follow the procedure prescribed under Section 83 of the Endowments Act and take possession of the property. Without following the said procedure petitioner cannot be dispossessed. No costs.

B.PRAKASH RAO, J.

Dated 23-07-2004.

Note: Issue C.C. in one week.

B/O

SKMR

To

- 1 The Commissioner of Endowments Tilak Road, Hyderabad
- 2 The Dy. Commissioner of Endowments Kakinada, East Godavari dist.

- 3 The Asst. Commissioner of Endowments Opp: Old Bus Stand, Vijayawada-2,
Krishna Dist.
- 4 The Executive Officer Sri Venkata Janakirama Choultry
Dept. of Endowments, Gopala Reddy Road,
Governorpet, Vijayawada-2, Krishna Dist.
5. 2CCs to G.P. for Endowments, High Court Buildings, Hyderabad, A.P.
(OUT).
6. 2CD copies.